

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

ROBERT BENJAMIN SEE,  
Y45652,

**Plaintiff,**

**VS.**

WARDEN,

**Defendant.**

**Case No. 24-cv-1239-DWD**

## MEMORANDUM AND ORDER

**DUGAN, District Judge:**

On May 22, 2024, the Court directed Plaintiff Robert Benjamin See to file an amended complaint by June 21, 2024. (Doc. 9). The Court clearly warned Plaintiff that if he failed to file an amended complaint, his case would be dismissed for failure to state a claim or to comply with a court order. (Doc. 10 at 3); *see also* Fed. R. Civ. P. 41(b); *James v. McDonald's Corp.*, 417 F.3d 672, 681 (7th Cir. 2005) (under Rule 41(b) a court has authority to dismiss an action for failure to prosecute if a party does not provide a timely response to a court order). The Court has not received any correspondence from Plaintiff other than a form indicating his consent for this matter to proceed before a United States Magistrate Judge (Doc. 11). For the reasons explained in the May 22, 2024 Order, the Court finds that Plaintiff has failed to state a valid claim under any potential legal theory against the named Defendant. Thus, his case is subject to dismissal under 28 U.S.C. § 1915A for failure to state a claim. Plaintiff's case is now dismissed for failure to state a claim, and for failure to prosecute. The Clerk of Court is **DIRECTED** to close this case.

**IT IS SO ORDERED.**

Dated: July 16, 2024

*/s David W. Dugan*

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DAVID W. DUGAN  
United States District Judge